

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

MITSURU OHKUBO ET AL : ATTN: APPLICATION DIVISION

SERIAL NO: NEW APPLICATION :
(Based on PCT/JP94/01550)

FILED: HEREWITH :

FOR: BETA-ALANINE DERIVATIVE AND A PROCESS FOR THE PREPARATION
THEREOF

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

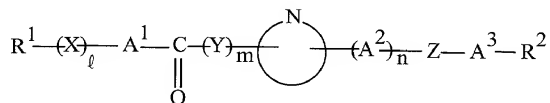
SIR:

Prior to examination on the merits, please amend the application as follows:

IN THE CLAIMS

Add new Claims 18-21:

--18. (New) A compound of the formula:



wherein:

R¹ is 6-membered cyclo(lower)alkyl containing 1 to 3 nitrogen atoms which may
have one or more amino protective groups;

X is O, S or NH, and

ℓ is an integer of either 0 or 1;

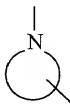
A^1 is lower alkylene, lower alkenylene or lower alkanyl-ylidene, each of which may have one or more suitable substituent(s);


Y is NH, and

m is an integer of either 0 or 1;



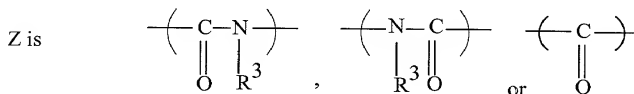
is a group of the formula:



wherein  is 5 or 6-membered N-containing heterocyclic group containing 1

to 3 nitrogen atoms which may have one or more suitable substituent(s);

A^2 is lower alkylene, and n is an integer of either 0 or 1;



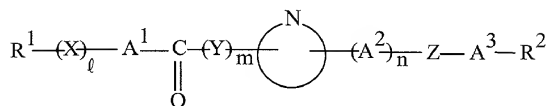
wherein R^3 is hydrogen or lower alkyl;

A^3 is lower alkylene which has one or more suitable substituents;

and R^2 is carboxy or protected carboxy;

or a pharmaceutically acceptable salt thereof.

19. (New) A compound comprising the following structure:



wherein R^1 is piperidyl, or piperidyl with one acyl;

X is O, S, or NH, and

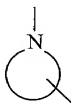
ℓ is an integer of 0;

A^1 is ethylene;

m is an integer of 0;



is a group of the formula:

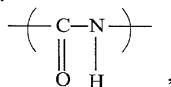


wherein is piperidyl;

A^2 is lower alkylene, and

n is an integer of 0;

Z is:



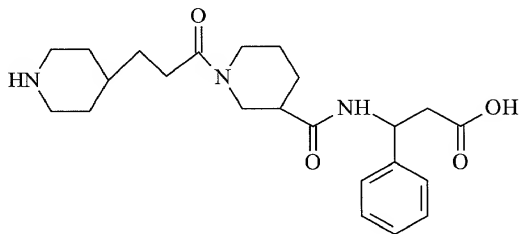
A³ is ethylene, trimethylene or tetramethylene, each of which has one substituent selected from the group consisting of aryl, aryl(lower)alkyl and a heterocyclic group; and
and R² is carboxy or lower alkoxycarbonyl;
or a pharmaceutically acceptable salt thereof.

20. (New) The compound of Claim 19, wherein

R¹ is 4-piperidyl; and

A³ is ethylene, trimethylene or tetramethylene, each of which has one substituent selected from the group consisting of phenyl, pyridyl, and quinolyl.

21. (New) The compound of Claim 20, which is N-[(R)-1-{3-(4-piperidyl)propionyl}-3-piperidyl-carbonyl]-3-phenyl-β-alanine or its acid addition salt or a compound of the formula:



or its acid addition salt.--

REMARKS

Claims 1-21 will be pending upon entry of this amendment. Support for new Claims 18-21 is found throughout the specification and in the original claims. Specific support for Claim 18 is found in original Claim 1. Support for Claims 19-21 is found *inter alia* in original Claim 1, and for the description of the A³ group in Claim 19 as "ethylene, trimethylene or tetramethylene" on page 16, lines 16-23 of the specification. Substituents for the A³ group are described at page 21, line 18-page 22, line 20 and at page 18, lines 20-24 of the disclosure. The compound of Claim 21 is described at page 128, lines 5-16 of the disclosure. Accordingly, the Applicants do not believe that any new matter has been introduced.

The Applicants submit that Claims 1-21 are now in condition for early examination on the merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Thomas A. Cunningham
Registration No. 45,394

Tel.: 703-413-3000
Fax: 703-413-2220

NFO:TMC:ksh
I:\atty\Tmc\205625-PrelAmend.WPD



22850

Docket No.: 205625US0CONT
Serial No.: New Application

Marked-Up Copy
Serial No: <u>New Appn</u>
Amendment Filed on: <u>05-29-01</u>

MARKED-UP COPY OF CLAIMS

Add new Claims 18-21:

--18. (New)

19. (New)

20. (New)

21. (New).--

20050529 024939



22850